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ON THE LAW OF THE SEA

CLCS

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RULES OF PROCEDURE OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

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I. INTRODUCTION

Rule 1

Use of terms

For the purposes of these rules:

"Convention" means the 1982 United Nations Convention on the Law of the Sea;

"Commission" means the Commission on the Limits of the Continental Shelf, established in accordance with article 76 and Annex II to the Convention;

"Secretary-General" means the Secretary-General of the United Nations;

"Secretariat" means the Secretariat of the United Nations;

"States Parties" means States Parties to the Convention;

"Meeting of States Parties" means a meeting of States Parties to the Convention convened in accordance with the relevant provisions of the Convention.

II. MEETINGS

Rule 2

Meetings

1. The Commission shall meet at least once a year and as often as is required for the effective performance of its functions under the Convention, in particular, to consider submissions by coastal States and to make recommendations thereon.

2. Taking into account financial considerations that may influence the frequency of its meetings, the Commission shall be convened:

(a) Upon a request of the Chairperson of the Commission;

(b) Upon a request of a majority of the members of the Commission;

(c) Upon a request of the Secretary-General; or

(d) By decision of the Commission.

Rule 3

Notification of opening date of the meeting

The Secretary-General shall notify the members of the Commission of the date, place, and duration of a meeting as soon as possible but no later than 60 days in advance of its opening date. Any coastal State whose submission is to be considered at the meeting shall also be notified.

Rule 4

Venue of meetings

1. Meetings of the Commission and its subcommissions shall normally be held at United Nations Headquarters.

2. Another venue for a meeting may be designated by the Commission in consultation with any coastal State which made a submission to be considered at the meeting and the Secretary-General, subject to the requirements established by the United Nations that no additional costs are directly or indirectly incurred by the United Nations.

Rule 5

Agenda

1. The provisional agenda of each meeting shall be prepared by the Secretary-General in consultation with the Chairperson of the Commission.

2. The Secretary-General shall transmit the provisional agenda to the members of the Commission together with the notification referred to in rule 3 and with the names of any members of the Commission who have provided any coastal State concerned with scientific and technical advice.

3. The Commission may include in its agenda any other item relevant to the effective performance of its functions.

4. The Commission shall adopt the agenda at the beginning of the meeting.

5. During a meeting, the Commission may revise the agenda.

III. MEMBERS OF THE COMMISSION

Rule 6

Members

The Commission shall consist of the members elected pursuant to article 2 of Annex II to the Convention.

Rule 7

Term of office

1. In accordance with article 2, paragraph 4, of Annex II to the Convention, the members of the Commission shall be elected for a term of five years and they shall be eligible for re-election.

2. The members of the Commission elected at the first election shall begin their term of office on the date of the first meeting of the Commission.

3. The term of office of the members of the Commission elected at subsequent elections shall begin on the day after the date of expiry of the term of office of the members of the Commission whom they replace.

Rule 8

By-elections

If a member of the Commission dies or resigns or for any other cause can no longer perform his or her duties, the Meeting of States Parties will, in accordance with article 76 and Annex II to the Convention, elect a member for the remainder of the predecessor's term.

Rule 9

Expenses of members

In accordance with article 2, paragraph 5, of Annex II to the Convention:

(a) The State Party which submitted the nomination of a member of the Commission shall defray the expenses of that member while in performance of Commission duties;

(b) The coastal States requesting the scientific and technical advice referred to in article 3, paragraph 1 (b), of Annex II to the Convention shall defray the expenses incurred in respect of this advice.

Rule 10

Solemn declaration

Before assuming his or her duties, each member of the Commission shall make the following solemn declaration in the Commission:

> "I solemnly declare that I will perform my duties as a member of the Commission on the Limits of the Continental Shelf honourably, faithfully, impartially and conscientiously."

IV. OFFICERS

Rule 11

Elections

The Commission shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur.

Rule 12

Term of office

The officers of the Commission shall be elected for a term of two and a half years. They shall be eligible for re-election.

Rule 13

Acting Chairperson

1. If the Chairperson is absent from a meeting or any part thereof, the Commission shall designate one of the Vice-Chairpersons to act in his or her place.

2. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Rule 14

Replacement of officers

If any of the officers of the Commission ceases to be, or declares his or her inability to continue serving as, a member of the Commission or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his or her predecessor.

V. SECRETARIAT

Rule 15

Duties of the Secretary-General

1. The Secretary-General shall act in that capacity in all meetings of the Commission, its subcommissions and any subsidiary bodies which it may establish. The Secretary-General may designate a member of the Secretariat to participate on his behalf.

2. The Secretary-General shall be responsible for making the arrangements related to the meetings of the Commission, its subcommissions and any subsidiary bodies which it may establish and shall provide and direct the staff required for such meetings.

3. The Secretariat shall perform all work that the Commission may require for the effective performance of its functions.

Rule 16

Statements by the Secretariat

The Secretary-General or any member of the Secretariat designated by him may make oral or written statements at any meeting of the Commission.

Rule 17

Financial implications of proposals

Before any proposal that involves expenditures is approved by the Commission, the Secretary-General shall prepare and circulate to the members of the Commission, as early as possible, an estimate of the cost involved in the proposal. The Chairperson shall draw the attention of members to this estimate and invite discussion on it when the proposal is considered by the Commission or any subsidiary body.

VI. LANGUAGES

Rule 18

Official and working languages

1. The official and the working languages of the Commission shall be Arabic, Chinese, English, French, Russian and Spanish.

2. In the absence of objection by any member, the Commission may decide not to use some of its official and working languages for any particular meeting taking into account the language preferences of the members of the Commission participating at that meeting and of any coastal State whose submission is under consideration.

Rule 19

Interpretation

Subject to rule 18, paragraph 2, speeches made in any of the languages of the Commission shall be interpreted into the other languages.

Rule 20

Interpretation from a language other than the languages of the Commission

Oral statements may be made in a language other than the languages of the Commission, provided the person making the statement arranges for interpretation into one of the languages of the Commission. Interpretation into the other languages of the Commission by the interpreters may be based on the interpretation given in the first such language.

Rule 21

Languages of recommendations and other documents

1. The recommendations approved by the Commission shall be submitted in the languages of the Commission.

2. Other documents shall be published in English unless otherwise decided by the Commission.

VII. PUBLIC AND PRIVATE MEETINGS

Rule 22

Public and private meetings

The meetings of the Commission, its subcommissions and subsidiary bodies shall be held in private, unless the Commission decides otherwise.

VIII. CONDUCT OF BUSINESS

Rule 23

Quorum

Two thirds of the members of the Commission, subcommission or subsidiary body shall constitute a quorum.

Rule 24

Powers of the Chairperson

1. In addition to exercising the powers conferred upon him or her elsewhere by these rules, the Chairperson shall declare the opening and closing of each meeting of the Commission, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson shall rule on points of order and, subject to these

rules of procedure, shall have complete control over the proceedings and over the maintenance of order thereat. He or she may propose to the Commission the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers, the adjournment or closure of the debate and the suspension or adjournment of a meeting.

2. The Chairperson, in the exercise of his or her functions, remains under the authority of the Commission.

Rule 25

Points of order

During the discussion of any matter, a member may at any time raise a point of order, which shall be immediately decided by the Chairperson in accordance with the present rules. Any appeal against the ruling of the Chairperson shall be immediately put to the vote, and the ruling of the Chairperson shall stand unless overruled by a majority of the members present and voting. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 26

Time limit on speakers

The Commission may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds the allotted time, the Chairperson shall call the speaker to order without delay.

Rule 27

Closure of debate

During the discussion of any matter, a member may move the closure of the debate on the item under discussion, whether or not any other speaker has signified a wish to speak. Permission to speak on the closure of the debate shall be accorded only to two members opposing the closure, after which the motion shall be immediately put to the vote.

Rule 28

Adjournment of debate

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall be immediately put to the vote.

Rule 29

Suspension or adjournment of the meeting

During the discussion of any matter, a member may move the suspension or adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be immediately put to the vote.

Rule 30

Order of motions

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion; and

(d) To close the debate on the question under discussion.

Rule 31

Submission of recommendations and other proposals

Recommendations and other proposals of members of the Commission shall be submitted in writing to the Chairperson of the Commission and copies thereof shall be circulated to all members of the Commission.

Rule 32

Decisions on competence

Any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

Rule 33

Reconsideration of recommendations and proposals

When a recommendation or proposal has been adopted or rejected, it may not be reconsidered unless the Commission, by a two-thirds majority of the members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

IX. VOTING

Rule 34

General agreement

1. The Commission, its subcommissions and subsidiary bodies shall make their best endeavours to ensure that their work is accomplished by general agreement.

2. Accordingly, the Commission, its subcommissions and subsidiary bodies shall make every effort to reach agreement on substantive matters by way of consensus and there shall be no voting on such matters until all efforts to achieve consensus have been exhausted.

Rule 35

Voting rights

Each member of the Commission shall have one vote.

Rule 36

Majority required

1. Subject to rule 34, decisions of the Commission, subcommission or subsidiary body on all matters of substance shall be taken by a two-thirds majority of the members present and voting. For the Commission, this shall include the establishment of subcommissions, the approval of the recommendations of subcommissions and the advice by specialists.

2. Except as otherwise provided in these rules, decisions of the Commission on all matters of procedure shall be taken by a majority of the members present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the Chairperson of the Commission shall rule on the question. An appeal against this ruling shall be put to the vote immediately, and the Chairperson's ruling shall stand unless overruled by a majority of the members present and voting.

4. If a vote is equally divided on a matter other than an election, the proposal or motion shall be regarded as rejected.

5. For the purpose of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting shall be regarded as not voting.

Rule 37

Method of voting

Except as provided in rule 39, the Commission shall normally vote by show of hands.

Rule 38

Conduct during voting

After the Chairperson has announced the commencement of voting, no member shall interrupt the voting except on a point of order in connection with the process of voting.

Rule 39

Election of officers

1. All elections shall be held by secret ballot unless, in the absence of any objection, the Commission decides to proceed without taking a ballot when there is an agreed candidate or slate.

2. A single ballot shall be taken in respect of all places to be filled at one time under the same conditions. Those candidates, in a number not exceeding the number of places to be filled, obtaining a majority of the votes cast and the largest number of votes, shall be elected.

3. If the number of candidates obtaining such a majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled.

4. If a tie vote between two or more candidates persists for two successive ballots, a decision shall be taken between them by lot drawn by the Chairperson.

X. SUBCOMMISSIONS AND OTHER SUBSIDIARY BODIES

Rule 40

Subcommissions

1. Unless the Commission decides otherwise, the Commission shall, for the consideration of each submission, establish in a balanced manner a subcommission composed of seven of its members, taking into account the following factors:

(a) The specific elements of each submission;

(b) The position of States with opposite or adjacent coasts; and

(c) Any dispute between States regarding the submission.

2. Nationals of the coastal State making the submission who are members of the Commission and any Commission member who has assisted a coastal State by providing scientific and technical advice with respect to the delineation shall not be a member of the subcommission dealing with that submission, but has the right to participate as a member in the proceedings of the Commission concerning the said submission. Such members, by prior consultation and agreement within the subcommission, may be invited to participate in the proceedings of the subcommission on specific issues concerning the said submission without a right to vote.

Rule 41

Other subsidiary bodies

The Commission may establish such other subsidiaries bodies composed of its members as may be required for the effective performance of its functions.

Rule 42

Conduct of business

1. Each subcommission or other subsidiary body established by the Commission shall elect its own Chairperson, a Vice-Chairperson and a Rapporteur.

2. The present rules of procedure apply mutatis mutandis to the conduct of business of the subcommissions and other subsidiary bodies.

XI. SUBMISSION BY A COASTAL STATE

Rule 43

Submission by a coastal State

In accordance with article 4 of Annex II to the Convention:

(a) Where a coastal State intends to establish the outer limits of its continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, it shall submit particulars of such limits to the Commission along with supporting scientific and technical data as soon as possible, but in any case within ten years of the entry into force of the Convention for that State;[1]

(b) The submitting State shall at the same time give the names of any Commission members who have provided it with scientific and technical advice.

Rule 44

Submissions in case of a dispute between States with opposite or adjacent coasts or in other cases of unresolved land or maritime disputes

1. In case there is a dispute in the delimitation of the continental shelf between opposite or adjacent States or in other cases of unresolved land or maritime disputes, submissions may be made and shall be considered in accordance with Annex I to these Rules.

2. The actions of the Commission shall not prejudice matters relating to the delimitation of boundaries between States.

Rule 45

Form and language of submission

1. A submission shall conform to the requirements established by the Commission.

2. A submission shall be addressed to the Chairperson of the Commission and submitted to him or her through the Secretary-General.

3. A submission shall be made in one of the official languages of the Commission and shall be translated by the Secretariat into English. The same applies to annexes, attachments and other materials supporting the submission.

Rule 46

Recording of the submission

1. Each submission shall be recorded by the Secretary-General upon receipt.

2. The record shall contain the date of receipt of the submission, a list of attachments and annexes thereto and the date of entry into force of the Convention for the coastal State which made the submission.

Rule 47

Acknowledgement of the receipt of the submission

The Secretary-General shall promptly acknowledge by letter to the submitting State the receipt of its submission and attachments and annexes thereto, specifying the date of receipt.

Rule 48

Notification of the receipt of a submission and publication of the proposed outer limits of the continental shelf related to the submission

The Secretary-General shall, through the appropriate channels, promptly notify the Commission and all members of the United Nations, including States Parties, of the receipt of a submission, and make public the proposed outer limits of the continental shelf pursuant to the submission.

Rule 49

Consideration of the submission

1. Upon receipt of a submission by the Secretary-General, the consideration of that submission shall be included in the agenda of the next meeting of the Commission provided that the next meeting is held not earlier than three months after the date of the publication by the Secretary-General of the proposed outer limits of the continental shelf related to the submission, pursuant to rule 48.

2. The submission shall be considered in accordance with the rules on confidentiality contained in Annex II to these rules.

3. Unless it decides otherwise, the Commission shall establish a subcommission in accordance with rule 40 for the consideration of each submission.

4. The recommendations of the subcommission shall be submitted in writing to the Commission.

Rule 50

Attendance by the coastal State at examination of submission

The Commission shall, through the Secretary-General, notify the coastal State which has made a submission, no later than sixty days prior to the opening date of the meeting, of the date and place at which the submission will be examined. The coastal State shall, in accordance with article 5 of Annex II to the Convention, be invited to send its representatives to participate, without the right to vote, in the proceedings deemed relevant by the Commission.

Rule 51

Recommendations of the Commission

1. In accordance with article 6, paragraph 3, of Annex II to the Convention, the recommendations of the Commission on matters related to the establishment of the outer limits of the continental shelf shall be submitted in writing to the coastal State which made the submission and to the Secretary-General.

2. In the case of disagreement by the coastal State with the recommendations of the Commission, the coastal State shall, in accordance with article 8 of Annex II to the Convention, make a revised or new submission to the Commission within a reasonable time.

Rule 52

Due publicity

The coastal State shall deposit with the Secretary-General charts and relevant information, including geodetic data, permanently describing the outer limits of its continental shelf. The Secretary-General shall give due publicity thereto.

XII. ADVICE TO A COASTAL STATE

Rule 53

Advice to a coastal State

1. A coastal State may request scientific and technical advice from the Commission according to article 3, paragraph 1 (b), of Annex II to the Convention.

2. The Commission shall elect a standing subsidiary body composed of five of its members who will prepare with respect to each request a list of proposed members who may provide advice taking into consideration the technical and scientific nature of each request. The list shall contain a copy of the scientific curriculum vitae of each proposed member. The preparation of this list may take into consideration an explicit request made by a coastal State for the advice of any member of the Commission.

3. The maximum number of members of the Commission who may provide advice to a State in support of a submission shall not exceed three.

4. The dates and terms of advice will be determined by agreement between the selected members of the Commission and the coastal State.

5. The members selected to provide technical and scientific advice to the coastal State shall submit to the Commission a report outlining their activities.

XIII. COOPERATION WITH COMPETENT INTERNATIONAL ORGANIZATIONS

Rule 54

Cooperation with competent international organizations

The procedure for cooperation referred to in article 3, paragraph 2, of Annex II to the Convention shall be decided by the Commission on a case-by-case basis.

XIV. ADVICE BY SPECIALISTS

Rule 55

Advice by specialists

1. The Commission may, to the extent considered necessary and useful, consult specialists in any field relevant to the work of the Commission.

2. The Commission shall decide in each case the way in which such consultations may be conducted.

XV. ADOPTION OF OTHER REGULATIONS AND GUIDELINES AND ANNEXES TO THE RULES OF PROCEDURE

Rule 56

Adoption of other regulations and guidelines and annexes to the Rules of Procedure

1. The Commission may adopt such regulations and guidelines and annexes to the Rules of Procedure as are required for the effective performance of its functions.

2. The annexes form an integral part of these Rules, and a reference to the Rules or any part thereof includes a reference to the annexes relating thereto.

XVI. AMENDMENTS TO RULES OF PROCEDURE

Rule 57

Amendments to Rules of Procedure

Subject to rules 34 and 36, these Rules may be amended by a decision taken at a meeting of the Commission by a two-thirds majority of the members of the Commission, provided such amendment is not inconsistent with the Convention.

[Alternative (ii): Even in cases where a land or maritime dispute exists, the Commission shall examine and qualify a submission made by any of the States concerned in the dispute.][5]

(b) The submissions made before the Commission and the recommendations adopted by the Commission thereon shall not prejudice the position of States which are parties to a land or maritime dispute.

7. The Commission may request a State making a submission to cooperate with it in order not to prejudice matters relating to delimitation of boundaries between opposite or adjacent States.

ANNEX II[6]

CONFIDENTIALITY

Rule 1

Safe custody of the submission

The Secretary-General shall ensure the safe custody of the submission and the attachments and annexes thereto at United Nations Headquarters until such time as they are required by the Commission.

Rule 2

Classification as confidential of data and information by the coastal State

1. The coastal State making a submission may classify as confidential any data and other material, not otherwise publicly available, that it submits in accordance with rules 43 and 48. In dealing with such classified material and in the exercise of all their other functions, the members of the Commission shall enjoy the privileges and immunities as experts on mission for the United Nations in accordance with article VI of the Convention on the Privileges and Immunities of the United Nations.

2. Confidential material so classified by the coastal State shall be submitted in accordance with rule 45, paragraph 2, to the Chairperson of the Commission in a separate sealed package, with a list of the material included therein.

3. Confidential material so classified by the coastal State shall remain confidential after consideration of the submission is concluded unless decided otherwise by the Commission with the consent of the coastal State concerned.

Rule 3

Access to confidential data and information

1. Save with the consent of the coastal State making the submission, access to confidential material shall be in accordance with the procedures set out in this rule and shall be confined to:

(a) The members of the Commission; and

(b) The Secretary-General and other members of the Secretariat designated for that purpose.

2. Access to confidential material shall only be given by the Secretary-General at the request of the Chairperson of the Commission and of the chairpersons of the relevant subcommissions.

3. Access to confidential material submitted by the coastal State or States shall be given by the Secretary-General through the chairpersons to the members of the Commission or the relevant subcommissions that have been requested to examine the submission.

4. All confidential materials forwarded with the submission shall be consulted in the room designated for that purpose and only in the presence of the Secretary-General or one of his staff members designated for that purpose.

5. Whenever confidential material is consulted, the name of the person who has authorized access and the time and date of such consultation shall be recorded in the register maintained for that purpose by the Secretary-General or one of his designated staff members, and the member consulting the confidential material and the staff member present during the consultation shall print their names clearly and sign the entry.

6. Confidential material shall not be copied, duplicated or reproduced without the written authorization of the coastal State that submitted it.

Rule 4

Duty to preserve confidentiality

1. The members of the Commission shall not disclose, even after they cease to be members, any confidential information coming to their knowledge by reason of their duties in relation to the Commission.

2. The duty of the members of the Commission not to disclose confidential information constitutes an obligation in respect of the individual's membership in the Commission.

Rule 5

Enforcement of rules on confidentiality

1. The Secretary-General shall provide the Commission with all necessary assistance in enforcing the rules concerning confidentiality.

2. The Commission may institute appropriate proceedings and shall make known its findings and recommendations.

Rule 6

Cessation of confidentiality

The charts and relevant information, including geodetic data, describing the outer limits of the continental shelf, which are deposited by the coastal State with the Secretary-General and which are to be given due publicity by the Secretary-General in accordance with article 76, paragraph 9, of the Convention,

shall cease to be classified as confidential, if they had been so classified earlier, upon their receipt by the Secretary-General.

Notes

[1] The election of the members of the Commission was postponed until March 1997 by a decision of the Third Meeting of States Parties to the Convention, held from 27 November to 1 December 1995. Since the Convention entered into force on 16 November 1994 for the 60 States whose ratifications made that entry into force possible and the commencement of the 10-year period began for them on that date, the Meeting agreed that should any of those States be affected adversely in respect of its obligations under the Convention as a consequence of the change in the date of the election, States Parties, at the request of such a State, would review the situation with a view to ameliorating the difficulty in respect of that obligation (SPLOS/5, para. 20).

[2] One member proposed that all provisions of Annex I should be considered as parts of one package together with alternative (i) of paragraph 6 (a).

[3] Text supported by the majority of members of the Commission and opposed by one member.

[4] Alternative supported by the majority of members of the Commission.

[5] Alternative suggested by one member of the Commission.

[6] The Commission is to adopt Annex II only if and when the issue of the privileges and immunities of its members in dealing with confidential material and in the exercise of all their other functions is resolved positively.